

A bill for an act

relating to state government operations; requiring fiscal notes to include information about job creation; limiting requirements for approval by individual legislators in the disposal process for certain state-owned buildings; increasing threshold requirements for deposit of agency receipts; requiring state chief information officer to develop standards for enhanced public access to state electronic records; clarifying use of fees in the combined charities campaign; transferring membership in the Workers' Compensation Reinsurance Association from the commissioner of management and budget to the commissioner of administration; eliminating and modifying fees for certain filings with the secretary of state; authorizing grants to counties for voting equipment and vote-counting equipment; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 3.98, subdivision 2; 16A.275; 16B.24, subdivision 3; 16E.04, subdivision 2; 16E.05, by adding a subdivision; 43A.50, subdivision 2; 79.34, subdivision 1; 318.02, subdivision 1; 557.01; repealing Laws 2005, chapter 162, section 34, subdivision 2, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 3.98, subdivision 2, is amended to read:

Subd. 2. **Contents.** (a) The fiscal note, where possible, shall:

(1) cite the effect in dollar amounts;

(2) cite the net increase or decrease in the total number of jobs in the state;

(3) estimate the average annual wages of jobs impacted;

~~(2)~~ (4) cite the statutory provisions affected;

~~(3)~~ (5) estimate the increase or decrease in revenues or expenditures;

(6) estimate the effect on the receipt by the state of federal money and describe any federal requirements including, but not limited to, maintenance of effort requirements;

~~(4)~~ (7) include the costs which may be absorbed without additional funds;

~~(5)~~ (8) include the assumptions used in determining the cost estimates; and

~~(6)~~ (9) specify any long-range implication.

(b) The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

EFFECTIVE DATE. This section is effective for fiscal notes requested after January 1, 2011.

Sec. 2. Minnesota Statutes 2008, section 16A.275, is amended to read:

16A.275 AGENCY RECEIPTS; DEPOSIT, REPORT, CREDIT.

Subdivision 1. ~~If \$250, daily.~~ **Deposit receipts.** Except as otherwise provided by law, an agency shall deposit receipts totaling ~~\$250~~ \$1,000 or more in the state treasury daily. The depositing agency shall send a report to the commissioner on the disposition of receipts since the last report. The commissioner shall credit the deposits received during a month to the proper funds not later than the first day of the next month.

Notwithstanding the general rule stated above, the commissioner of revenue is not required to make daily deposits if (1) the volume of tax receipts cannot be processed daily with available resources, or (2) receipts cannot be immediately identified for posting to accounts.

Subd. 2. **Exception.** The commissioner may authorize an agency to deposit receipts totaling ~~\$250~~ \$1,000 or more less frequently than daily for those locations where the agency furnishes documentation to the commissioner that the cost of making daily deposits exceeds the lost interest earnings and the risk of loss or theft of the receipts.

Sec. 3. Minnesota Statutes 2008, section 16B.24, subdivision 3, is amended to read:

Subd. 3. **Disposal of old buildings.** (a) Upon request from the head of an agency with control of a state-owned building with an estimated market value of less than \$50,000, as determined by the commissioner, the commissioner may sell, demolish, or otherwise dispose of the building if the commissioner determines that the building is no longer used or is a fire or safety hazard.

~~The commissioner, (b) Upon request of the head of an agency which has with control of a state-owned building which is no longer used or which is a fire or safety hazard, shall, with an estimated market value of \$50,000 or more, as determined by the commissioner, the commissioner may sell, demolish, or otherwise dispose of the building after determining that the building is no longer used or is a fire or safety hazard and obtaining approval of the chairs of the senate Finance Committee and house of representatives Ways and Means Committee, sell, wreck, or otherwise dispose of the building.~~

(c) In the event a sale is made under this subdivision, the proceeds shall be deposited in the ~~proper account or in the general fund~~ provided by law. If there is no requirement in law specifying how proceeds must be deposited other than section 16A.72, the proceeds must be deposited in the account from which the appropriation to acquire or construct the building was made. If the account from which the appropriation was made cannot be identified or has been terminated, the proceeds must be deposited in the general fund.

Sec. 4. Minnesota Statutes 2008, section 16E.04, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** (a) In addition to other activities prescribed by law, the office shall carry out the duties set out in this subdivision.

(b) The office shall develop and establish a state information architecture to ensure:
(1) that state agency development and purchase of information and communications systems, equipment, and services is designed to ensure that individual agency information systems complement and do not needlessly duplicate or conflict with the systems of other agencies; and

(2) that enhanced access to data can be provided to the public in accordance with the policy developed under section 16E.05, subdivision 4.

When state agencies have need for the same or similar public data, the chief information officer, in coordination with the affected agencies, shall manage the most efficient and cost-effective method of producing and storing data for or sharing data between those agencies. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The office shall ensure compliance with the architecture.

(c) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's mission and the state's requirements and functions. The office shall review and approve agency technology plans to ensure consistency with enterprise information and telecommunications technology strategy. By January 15 of each year, the chief information officer must report to the chairs and the ranking minority members of the legislative committees and divisions with jurisdiction over the office regarding the assistance provided under this paragraph. The report must include a listing of agencies that have developed or are developing plans under this paragraph.

(d) The office shall review and approve agency requests for funding for the development or purchase of information systems equipment or software before the requests may be included in the governor's budget.

(e) The office shall review major purchases of information systems equipment to:

(1) ensure that the equipment follows the standards and guidelines of the state information architecture;

(2) ensure the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and

(3) ensure that the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs justifying the inconsistency.

(f) The office shall review the operation of information systems by state agencies and ensure that these systems are operated efficiently and securely and continually meet the standards and guidelines established by the office. The standards and guidelines must emphasize uniformity that is cost-effective for the enterprise, that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and chapter 13.

(g) The office shall conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions. The review must include recommendations on any information systems applications that could be provided in a more cost-beneficial manner by an outside source. The office must report the results of its review to the legislature and the governor.

Sec. 5. Minnesota Statutes 2008, section 16E.05, is amended by adding a subdivision to read:

Subd. 4. **Policy for transparency.** The chief information officer shall develop a policy to enhance public access to electronic data maintained by state government, consistent with the requirements of chapter 13. The policy must ensure that:

(1) the state information architecture facilitates public access to agency data;

(2) publicly available data is managed using an approved state metadata model; and

(3) all geospatial data conform to an approved state geocode model.

Sec. 6. Minnesota Statutes 2008, section 43A.50, subdivision 2, is amended to read:

Subd. 2. **Registration.** (a) A federated funding organization shall apply to the commissioner by March 1 in order to be eligible to participate in the state employee combined charities campaign for that year.

(b) A federated funding organization must apply in the form prescribed by the commissioner and shall provide the following:

(1) assurance of tax exempt status for the federated funding organization and each of the charitable agencies identified by the federated funding organization as an affiliated agency;

(2) assurance of proper registration with the attorney general of Minnesota to solicit contributions in the state of Minnesota for the federated funding organization and each of the charitable agencies identified by the federated funding organization as an affiliated agency. A copy of the registration letter in effect at the time of application for the state employee combined charities campaign must be available upon request;

(3) an affidavit signed by a duly constituted officer of the federated funding organization attesting to the fact that the federated funding organization and its affiliated agencies are in compliance with each of the provisions of this section;

(4) a list of the board of directors or local advisory board for the federated funding organization which identifies the members who live or work in Minnesota and contiguous counties;

(5) a list of the name and business address of each affiliated agency the federated funding organization supports;

(6) a list of any related organizations, as defined in section 317A.011, subdivision 18;

(7) the total contributions received in the organization's accounting year last reported and, from those contributions, the amounts expended by the federated funding organization for management and general costs and for fund-raising costs and the amount distributed to the affiliated agencies, programs, and designated agencies it supports; and

(8) a fee of \$100, or ten percent of the funds raised from state employees in the previous campaign, whichever is less. The fee for an organization which did not participate in the previous year's state employee campaign is \$100. These fees must be credited to an account in the special revenue fund and are appropriated to the commissioner to be expended with the approval of the Combined Charities Board in section 43A.04 for costs associated with administering the annual campaign.

The commissioner may require submission of additional information needed to determine compliance with the provisions of this chapter.

(c) The commissioner shall register or not register the application of an organization and shall notify the organization of the decision by May 1. An organization whose application is denied has ten calendar days after receiving notice of the denial to appeal the decision or file an amended application correcting the deficiency. The commissioner shall register or not register the organization within ten calendar days after receiving the appeal or amended application. If registration is denied a second time, the organization may appeal within five calendar days after receiving notice of the denial. A hearing

shall be scheduled by the commissioner and shall be held within 15 calendar days after receiving notice of the appeal. The parties may mutually agree to a later date. The provisions of chapter 14 do not apply to the hearing. The hearing shall be conducted in a manner considered appropriate by the commissioner. The commissioner shall make a determination within five calendar days after the hearing has been completed.

(d) Only organizations that are approved may participate in the state employee combined charities campaign for the year of approval and only contributions to approved organizations may be deducted from an employee's pay pursuant to section 16A.134.

Sec. 7. Minnesota Statutes 2008, section 79.34, subdivision 1, is amended to read:

Subdivision 1. **Conditions requiring membership.** The nonprofit association known as the Workers' Compensation Reinsurance Association may be incorporated under chapter 317A with all the powers of a corporation formed under that chapter, except that if the provisions of that chapter are inconsistent with sections 79.34 to 79.40, sections 79.34 to 79.40 govern. Each insurer as defined by section 79.01, subdivision 2, shall, as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and is bound by the plan of operation of the reinsurance association; provided, that all affiliated insurers within a holding company system as defined in chapter 60D are considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association. Each self-insurer approved under section 176.181 and each political subdivision that self-insures shall, as a condition of its authority to self-insure workers' compensation liability in this state, be a member of the reinsurance association and is bound by its plan of operation; provided that:

(1) all affiliated companies within a holding company system, as determined by the commissioner of labor and industry in a manner consistent with the standards and definitions in chapter 60D, are considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association; and

(2) all group self-insurers granted authority to self-insure pursuant to section 176.181 are considered single entities for purposes of the exercise of all the rights and duties of membership in the reinsurance association. As a condition of its authority to self-insure workers' compensation liability, and for losses incurred after December 31, 1983, the state is a member of the reinsurance association and is bound by its plan of operation. The commissioner of ~~management and budget~~ administration represents the state in the exercise of all the rights and duties of membership in the reinsurance association. The amounts necessary to pay the state's premiums required for coverage by the Workers' Compensation Reinsurance Association are appropriated from the general

fund to the commissioner of ~~management and budget~~ administration. The University of Minnesota shall pay its portion of workers' compensation reinsurance premiums directly to the Workers' Compensation Reinsurance Association. For the purposes of this section, "state" means the administrative branch of state government, the legislative branch, the judicial branch, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund. The commissioner of management and budget may calculate, prorate, and charge a department or agency the portion of premiums paid to the reinsurance association for employees who are paid wholly or in part by federal funds, dedicated funds, or special revenue funds. The reinsurance association is not a state agency. Actions of the reinsurance association and its board of directors and actions of the commissioner of labor and industry with respect to the reinsurance association are not subject to chapters 13 and 15. All property owned by the association is exempt from taxation. The reinsurance association is not obligated to make any payments or pay any assessments to any funds or pools established pursuant to this chapter or chapter 176 or any other law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2008, section 318.02, subdivision 1, is amended to read:

Subdivision 1. **Definition.** The term "declaration of trust" as used in this section means the declaration of trust, business trust instrument, trust indenture, contract of custodianship, or other instrument pursuant to which such association is organized. Every such association organized after April 20, 1961, for the purpose of transacting business in this state shall, prior to transacting any business in this state, file in the Office of the Secretary of State a true and correct copy of the "declaration of trust" under which the association proposes to conduct its business. The copy shall also contain a statement that the true and correct copy of the "declaration of trust" is being filed in the Office of the Secretary of State of the state of Minnesota pursuant to this chapter and shall also include the full name and street address of an agent of the business trust in this state. That agent shall be the agent for service of process which shall be made pursuant to the provisions of section 543.08. The "declaration of trust" may provide that the duration of such association shall be perpetual. Upon the filing of the copy of the "declaration of trust," ~~and the payment of a filing fee of \$150 to the secretary of state,~~ the secretary of state shall issue to such association, or to the trustees named in the said "declaration of trust," or to the persons or parties to the "declaration of trust," a certificate showing that such "declaration of trust" has been duly filed; whereupon, such association in its name shall be authorized to transact business in this state; provided that all other applicable laws have been

complied with. The "declaration of trust" may be amended as provided in the "declaration of trust" or in any amendments thereto but a true and correct copy of all amendments to the "declaration of trust," shall be filed in the Office of the Secretary of State ~~upon the payment of a filing fee of \$50 to the secretary of state~~ and all amendments shall become effective at the time of said filing. When such copy of the "declaration of trust" and any amendments thereto shall have been filed in the Office of the Secretary of State it shall constitute public notice as to the purposes and manner of the business to be engaged in by such association.

Sec. 9. Minnesota Statutes 2008, section 557.01, is amended to read:

557.01 NONRESIDENT, AGENT TO ACCEPT SERVICE.

Any nonresident person or corporation owning or claiming any interest or lien in or upon lands in the state may file with the secretary of state a writing, executed and acknowledged in the manner of a conveyance, appointing a resident agent, whose place of residence shall be stated, to accept service of process or summons in any action or proceeding in the courts of the state concerning such interest or lien, except actions or proceedings for the collection of taxes, and consenting that service of such process or summons upon such agent shall be binding upon the person executing the same. Such writing shall be recorded by the secretary. No service by publication of summons shall be made upon any such nonresident who has complied with the provisions hereof, but in all such cases service of such process or summons, or of any writ or notice in the action or proceedings, shall be made upon such agent in the manner provided by law for such service upon residents of the state, and have the same effect as personal service within the state upon such owner or claimant; but, if such party appears by attorneys therein, the service of papers shall thereafter be upon such attorney. The authority of such agent may be revoked by writing similarly executed and acknowledged and recorded, but no revocation shall affect any action or proceeding then pending. ~~For filing and recording such papers the secretary shall be entitled to 15 cents for each folio~~ The fee for each filing made under this section is \$50.

Sec. 10. TRANSPARENCY POLICY REPORT.

By January 15, 2011, the chief information officer shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over the Office of Enterprise Technology regarding the development of the policy to enhance public access to data required under Minnesota Statutes, section 16E.05, subdivision 4. The report must describe the process for developing the policy, including the opportunity provided for public comment, and specify the components of the policy that have been

9.1 implemented, including a description of the level of public use of the new opportunities
9.2 for data access under the policy.

9.3 Sec. 11. **APPROPRIATION; ASSISTIVE VOTING EQUIPMENT AND**
9.4 **VOTE-COUNTING EQUIPMENT.**

9.5 Subdivision 1. **Operating grants.** \$300,000 is appropriated in fiscal year 2010 from
9.6 the Help America Vote Act account to the secretary of state for grants to counties to defray
9.7 operating costs of the assistive voting equipment and vote-counting equipment in each
9.8 polling place. This appropriation is available until spent. Grants of up to \$300 per polling
9.9 place may be made until this appropriation is exhausted. If the grant requests exceed the
9.10 appropriation available, the secretary of state shall prorate the grant amounts to each
9.11 eligible county to match the amount available.

9.12 Subd. 2. **Grant application.** To receive a grant under this subdivision, a county
9.13 must apply to the secretary of state on forms prescribed by the secretary of state that
9.14 set forth how the grant money will be spent. Grant applications for operating costs for
9.15 the 2010 elections must be received by the secretary of state by August 1, 2010. Grant
9.16 awards must be made to the counties by December 1, 2010. If money remains from this
9.17 appropriation, the secretary may also make grants available for the 2012 election, with
9.18 grant applications due by March 1, 2012, and grants made to counties by June 30, 2012.

9.19 Subd. 3. **Eligibility.** To be eligible to apply for a grant under this section, a county
9.20 must have fewer than 50,000 registered voters as of January 1, 2010, and must have
9.21 less than \$300 per polling place that was used in the 2008 general election as a balance,
9.22 including any interest earned on the account, in its Help America Vote Act account from
9.23 money distributed to it in 2005.

9.24 Subd. 4. **Report.** Each county receiving a grant under this section must include
9.25 the expenditures it has made on the appropriate Help America Vote Act reports submitted
9.26 to the secretary of state. If a county does not use the money it has received under this
9.27 section by June 15, 2013, it must return the money to the secretary of state by June 30,
9.28 2013. In addition to the report required by this section, each county receiving a grant
9.29 under this section must maintain financial records for each grant sufficient to satisfy
9.30 federal audit standards and must transmit those records to the secretary of state upon
9.31 request of the secretary of state.

9.32 Subd. 5. **Operating costs.** "Operating costs" include actual county and municipal
9.33 costs for hardware maintenance, election day technical support, software licensing, system

10.1 programming, voting system testing, training of county or municipal staff in the use of
10.2 voting equipment, and transportation and storage of the voting equipment.

10.3 Sec. 12. **APPROPRIATION; OPTICAL SCAN EQUIPMENT.**

10.4 Subdivision 1. **Optical scan voting equipment grants.** \$2,100,000 is appropriated
10.5 in fiscal year 2010 from the Help America Vote Act account to the secretary of state
10.6 for grants to counties to purchase optical scan voting equipment. This appropriation
10.7 is available until spent. If the grant requests exceed the appropriation available, the
10.8 secretary of state shall prorate the grant amounts to each eligible county to match the
10.9 amount available.

10.10 Subd. 2. **Grant application.** To receive a grant under this section, a county must
10.11 apply to the secretary of state on forms prescribed by the secretary of state that set forth
10.12 how the grant money will be spent. Applications for grants under this section must be
10.13 submitted to the secretary of state by December 1, 2010, and be for purchases made
10.14 before March 31, 2014.

10.15 Subd. 3. **Eligibility.** A county is eligible to apply for a grant of up to \$4,000 per
10.16 precinct to replace precinct-based optical scan vote counters if the vote counter was
10.17 purchased before December 31, 2002, and the county received no federal or state money
10.18 to defray the cost of that purchase. Counties must agree to provide a local match at least
10.19 equal to the amount of the grant.

10.20 Subd. 4. **Report.** Each county receiving a grant under this section must include the
10.21 expenditures it has made on the appropriate Help America Vote Act reports submitted to
10.22 the secretary of state. If a county does not use the money it has received under this section
10.23 by June 15, 2014, it must return the unused money to the secretary of state by June 30,
10.24 2014. In addition to the report required by this section, each county receiving a grant
10.25 under this section must maintain financial records for each grant sufficient to satisfy
10.26 federal audit standards and must transmit those records to the secretary of state upon
10.27 request of the secretary of state.

10.28 Sec. 13. **REPEALER.**

10.29 Laws 2005, chapter 162, section 34, subdivision 2, as amended by Laws 2009,
10.30 chapter 101, article 2, section 95, is repealed.